

ORAL REPLY PROCEDURES

[These procedures may be incorporated in, or a copy attached to the letter notifying the employee and/or representative(s) of the time and place of the Oral Reply proceedings.]

1. The oral reply proceeding will be opened at the time specified.
2. The oral reply is not a “hearing.” The right to reply orally is in addition to the right employees have to reply “in writing” to a letter of proposed adverse action.
3. The right of personal reply does not entitle employees to adversary type hearings, nor does it contemplate confrontation of witnesses.
4. No witnesses will be permitted at the proceedings since this is not a “hearing.”
5. No cross-examination of the employee or the Oral Reply Officer will be permitted.
6. Judicial procedures and rules of evidence will not be applied.
7. In a proceeding of this type, the Service does not argue or present its case.
8. Only those persons who have a connection with the case as determined by the Oral Reply Officer will be admitted to the proceedings.
9. The employee and/or representative will be permitted to present the oral reply freely, and to present any additional affidavits in support of the case. The reply will not be restricted to matters relating solely to reasons for proposing adverse or performance action against him/her but may also include any other representations or mitigating circumstances which are considered appropriate for consideration by the deciding official.
10. To ensure an orderly presentation, if more than one employee representative is to be present, only one should be the spokesperson. This, of course, is not intended to restrict comments and responses by the employee and/or other representative wherever appropriate.
11. One copy of the oral report record (if available) will be furnished to the employee/representative.
12. The Oral Reply Officer will as presiding officer and control the proceedings. He/she is authorized to take whatever action is necessary to ensure an orderly, expedient, and equitable presentation by the employee and/or representative. All parties will be expected to abide by his/her decision in these matters.

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